



Signed: August 04, 2009

Randall J. Newsome

RANDALL J. NEWSOME
U.S. Bankruptcy Judge

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7 UNITED STATES BANKRUPTCY COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION

10 In re
11 ASYST TECHNOLOGIES, INC., a California
12 corporation,
13 Debtor.

Case No. 09-43246

Chapter 11

**ORDER ON DEBTOR'S MOTION
PURSUANT TO SECTIONS 105(a),
363(b), AND 541 OF THE BANKRUPTCY
CODE AND BANKRUPTCY RULE 6004
FOR AUTHORIZATION TO PAY,
REMIT OR REIMBURSE WAGE
OBLIGATIONS, GARNISHMENT
OBLIGATIONS AND BENEFIT
OBLIGATIONS**

14 Date: July 30, 2009
15 Time: 2:00 p.m.
16 Place: U.S. Bankruptcy Court
1300 Clay Street
Oakland, CA 94612
17 Judge: Chief Judge Randall J. Newsome
18 Courtroom: 220

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22 A hearing on the motion of Asyst Technologies, Inc., a California Corporation, the debtor
23 and debtor in possession in the above-captioned case (the "Debtor in Possession") filed June 30,
24 2009 for authorization to pay, remit or reimburse Wage Obligations, Garnishment Obligations, and
25 Benefit Obligations (as defined therein) (the "Motion"), was held before this Court on July 30, 2009
26 at 2:00 p.m. Appearances were as noted on the record. As further set out in the Motion; and upon
27 consideration of the Memorandum of Points and Authorities, the Declaration of Paula C. LuPriore
28 filed in Support of the Motion, and the Declaration of Paula C. LuPriore filed in Support of the

1 Debtor's First Day Motions, and the statements of counsel on the record at the hearing; and upon it
2 appearing that the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and
3 upon it appearing that this proceeding is a core proceeding pursuant to 28 U.S.C. § 157(b); and upon
4 it appearing that venue of this proceeding is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and
5 upon it appearing that notice of the Motion and opportunity for a hearing on the Motion was
6 appropriate under the particular circumstances and that no other or further notice need be given; and
7 upon no opposition to the Motion having been filed; and upon it appearing that the relief requested
8 in the Motion is in the best interest of the Debtor in Possession's estate and its creditors; and after
9 due deliberation and sufficient cause appearing therefore, it is **HEREBY ORDERED** that:

10 1. Capitalized terms used and not defined herein shall have the meaning ascribed to
11 them in the Motion;

12 2. The Motion is granted. Pursuant to sections 105(a) and 363(b) of the Bankruptcy
13 Code, the Debtor is authorized, but not required, to pay, remit or reimburse

14 (a) the Wage Obligations to the Retained Employees as set out in the Motion;

15 (b) the Garnishment Obligations;

16 (c) the Benefit Obligations to the third party benefit providers in the amounts set out
17 in the Motion; and

18 (d) up to \$10,000.00 to employees who submit claims incurred pre-petition for
19 eligible unpaid FSP expenses,

20 without further order of the Court.

21 3. Notice of the Motion as provided therein constitutes good and sufficient notice of
22 such Motion and the requirements of Bankruptcy Rule 6004(a) are hereby waived;

23 4. Notwithstanding any applicability of Bankruptcy Rule 6004(h), the terms and
24 conditions of this Order are immediately effective and enforceable upon entry of this Order.

25 5. As a condition to the Court's granting this Order, Debtor in Possession is required to
26 negotiate in good faith with Legacy Partners I Fremont, the landlord ("Landlord") for the Debtor in
27 Possession's headquarters facility in Fremont, California, concerning a disputed late charge asserted
28 by the Landlord in the amount of approximately \$7,143.64.

1 6. This Court retains jurisdiction with respect to all matters arising from or related to the
2 implementation of this Order.

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4 **END OF ORDER**
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